

Docket No.: B2745.0025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Heidi Kay et al.

Application No.: 09/216,206

Confirmation No.: 1079

Filed: December 18, 1998

Art Unit: 3622

For: INTERNET ADVERTISING SYSTEM

Examiner: J. W. Myhre

**STATEMENT OF FACTS IN SUPPORT OF PETITION
TO CHANGE INVENTORSHIP UNDER 37 C.F.R. § 1.47(B)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

On September 22, 2003, a Request for Continued Examination was filed in the above-captioned case along with a Preliminary Amendment.

A Second Preliminary Amendment was filed in the above-captioned case on January 22, 2004. The Second Preliminary Amendment added new claims 30-61, revised the specification, and included a claim for priority to U.S. Serial No. 08/787,979.

A further amendment is being filed concurrently with this Petition to Change Inventorship. This further amendment cancels claims 1-28, 40, and 51-53.

Upon review of the claims currently pending in the above-captioned case, claims 29-39, 41-50, and 54-61, it was determined that the inventive entity set forth in the originally-filed declaration is in error.

09/23/2004 EFLURES 00000099 09216206

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The properly named inventors on the Declaration should be David William Roth and Dylan Salisbury.

On January 7, 2004, a Declaration and Revised Specification including a set of claims, was forwarded, along with a cover letter, to the four inventors. The specification and claim sent to the inventors were the specification and claims as submitted in the Second Preliminary Amendment. A copy of the Declaration is attached hereto as Exhibit A. The Declaration and application were sent to the inventors' last known address:

Ms. Heidi Kay
2025 Francisco Street, Apt. I
Berkeley, California 94709

Mr. Russell Fradin
3600 Fillmore Street, Apt. 303
San Francisco, California 94123

Mr. David William Roth
3650 Fillmore Street, #314
San Francisco, California 94123

Mr. Dylan Salisbury
2854 Golden Gate Ave.
San Francisco, California 94118

The Post Office attempted delivery of the Express Mail package to Ms. Heidi Kay on January 10 and 12, 2004. The Post Office noted that a forwarding order for Ms. Kay existed, but has expired. A copy of the letter sent to Ms. Kay and the Express Mail label filled out by the carrier is attached as Exhibit B.

The Post Office attempted delivery of the Express Mail package to Mr. Russell Fradin on January 9, 12, and 23, 2004, and was returned to sender on January 27, 2004. A copy of the letter sent to Mr. Fradin and the Express Mail label filled out by the carrier is attached as Exhibit C.

The Post Office attempted delivery of the Express Mail package to Mr. David William Roth on January 9 and 13, 2004. A copy of the letter sent to Mr. Roth and the Express Mail label filled out by the carrier is attached as Exhibit D.

The Post Office attempted delivery of the Express Mail package to Mr. Dylan Salisbury on January 9, 10, and 19, 2004. The Express Mail package to Mr. Salisbury was returned to sender because it was unclaimed. Additionally, the Post Office personnel noted that Mr. Salisbury is not at this address on the envelope. A copy of the letter sent to Mr. Salisbury and the Express Mail label filled out by the carrier is attached as Exhibit E.

Additionally, I sent a certified letter to Mr. Salisbury on September 29, 2003. This letter was returned to me on November 24, 2003. Further, I sent an Express Mail envelope to Mr. Salisbury and delivery was attempted on September 12, September 15, and October 9, 2003. This envelope was also returned to me.

I also attempted to contact Mr. Roth via another Express Mail package. Delivery was attempted for this package on September 12, September 15, and October 6, 2003. This Express Mail package was returned to me. Further, a package was sent to Mr. Roth by certified mail. Delivery was attempted on September 29, October 20, and October 25, 2003. This package was also returned to me unopened.

An internet search was done in an attempt to locate the four inventors. A telephone number was located for Mr. Roth. When I called the number, a telephone answering machine

Application No.: 09/216,206

Docket No.: B2745.0025

answered the line. I left several messages for Mr. Roth requesting that he call me regarding further prosecution of patents in the United States Patent and Trademark Office on which he is a named inventor. Mr. Roth did not return this call, nor did anyone else at this phone number call me informing me that this was not Mr. Roth's telephone number.

The filing date of the present application is necessary to preserve the rights of the Assignee in the present case. See, M.P.E.P. § 409.03(g).

Dated: September 22, 2004

Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

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Dated: 9/22/04

Signature: 

(Ian R. Blum)



Docket No.: B2745.0025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Heidi Kay et al.

Application No.: 09/216,206

Confirmation No.: 1079

Filed: December 18, 1998

Art Unit: 3622

For: OPTIMIZED INTERNET ADVERTISING
USING HISTORY TO SELECT SITES

Examiner: J. W. Myhre

STATEMENT REGARDING
DAVID WILIAM ROTH AND DYLAN SALISBURY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

David William Roth and Dylan Salisbury are being added as inventors to the above-captioned application. The error in inventorship occurred without any deceptive intent.

Dated: September 22, 2004

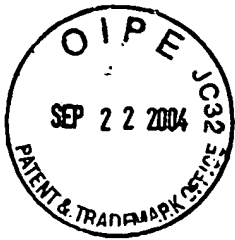
Respectfully submitted,

By / Benzion A. Wachsman /

Benzion A. Wachsman for
BEH Investments LLC

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Dated: 9/22/04 Signature: [Signature]
(s) R. Blum



PTO/SB/01 (08-03)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)	Attorney Docket Number	B2745.0025/P0025
	First Named Inventor	Heidi Kay
	COMPLETE IF KNOWN	
	Application Number	09/216,206-Conf. #1079
	Filing Date	December 18, 1998
	Art Unit	3622
<input type="checkbox"/> Declaration Submitted with Initial Filing	OR	<input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)
Examiner Name		J. Myhre

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

OPTIMIZED INTERNET ADVERTISING USING HISTORY TO SELECT SITES

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 12/18/1998 as United States Application Number or PCT International

Application Number 09/216,206 and was amended on (MM/DD/YYYY) 09/22/2003 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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DECLARATION — Utility or Design Patent ApplicationDirect all correspondence to: ☐ Customer Number OR ☒ Correspondence address belowName **DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP**
Ian R. BlumAddress
1177 Avenue of the Americas
41st FloorCity **New York** State **NY** ZIP **10036-2714**Country **US** Telephone **(212) 835-1400** Fax **(212) 997-9880**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle (if any)) **Heidi**Family Name
or Surname **Kay**Inventor's
Signature

Date

Residence: City **Berkeley** State **CA** Country **United States of America** Citizenship **US**Mailing
Address: **2025 Francisco Street, Apt. I**City **Berkeley** State **CA** ZIP **94709** Country **United States of America****NAME OF SECOND INVENTOR:**☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle (if any)) **Russell**Family Name
or Surname **Fradin**Inventor's
Signature

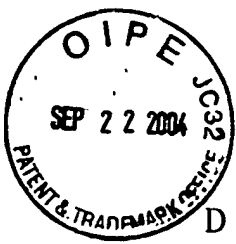
Date

Residence: City **San Francisco** State **CA** Country **United States of America** Citizenship **US**Mailing
Address: **3600 Fillmore Street, Apt. 303**City **San Francisco** State **CA** ZIP **94123** Country **United States of America**☒ Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
Page 1 of 1	

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
David William		Roth	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
San Francisco	CA	United States of America	US
Mailing Address: 3650 Fillmore Street, #304			
City	State	Zip	Country
San Francisco	CA	94123	United States of America
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Dylan		Salisbury	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
San Francisco	CA	United States of America	US
Mailing Address: 2854 Golden Gate Ave.			
City	State	Zip	Country
San Francisco	CA	94118	United States of America
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address:			
City	State	Zip	Country



DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

1177 Avenue of the Americas • 41st Floor • New York, New York 10036-2714
Tel (212) 835-1400 • Fax (212) 997-9880

Writer's Direct Dial: (212) 896-5458

January 7, 2004

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via Express Mail

Ms. Heidi Kay
2025 Francisco Street, Apt. I
Berkeley, California 94709

PRIVILEGED AND CONFIDENTIAL:
ATTORNEY-CLIENT COMMUNICATION

Re: U.S. Patent Application No.: 09/216,206
Title: OPTIMIZED INTERNET ADVERTISING USING HISTORY TO
SELECT SITES
Filed: December 18, 1998
Inventor: Heidi Kay, et al.
Our Reference: B2745.0025/P0025

Dear Ms. Kay:

The current owner of the above-captioned patent application has filed a continuation with additional claims. To that end, we are required to file an Inventor's Declaration with the United States Patent and Trademark Office. Enclosed herewith is a copy of the application, a set of claims, and a Declaration for your signature. Please return the executed Declaration in the enclosed, pre-paid, self-addressed Federal Express envelope.

If you have any questions, please do not hesitate to contact me.

Very truly yours,


Ian R. Blum

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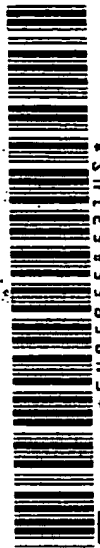
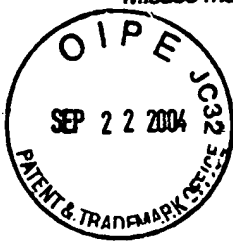
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January 7, 2004

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via Express Mail

Mr. Russell Fradin
3600 Fillmore Street, Apt. 303
San Francisco, California 94123

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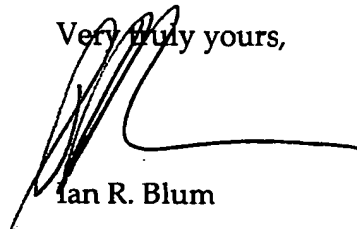
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Inventor: Heidi Kay, et al.
Our Reference: B2745.0025/P0025

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Ian R. Blum

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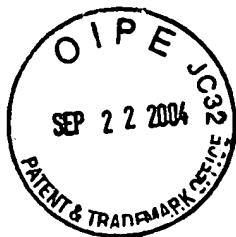
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Mr. David William Roth
3650 Fillmore Street, #304
San Francisco, California 94123

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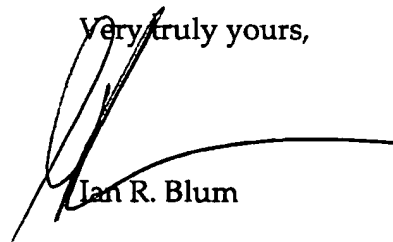
Re: U.S. Patent Application No.: 09/216,206
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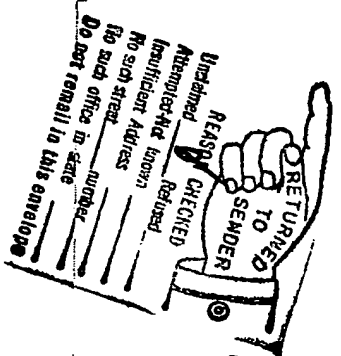
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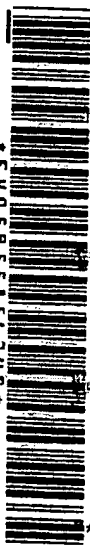
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Adaptation Charge	Adaptation Charge	Insurance Fee
Adaptation Charge	Adaptation Charge	Insurance Fee

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1177 Avenue of the Americas • 41st Floor • New York, New York 10036-2714
Tel (212) 835-1400 • Fax (212) 997-9880

Writer's Direct Dial: (212) 896-5458

January 7, 2004

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via Express Mail

Mr. Dylan Salisbury
2854 Golden Gate Ave.
San Francisco, California 94118

**PRIVILEGED AND CONFIDENTIAL:
ATTORNEY-CLIENT COMMUNICATION**

Re: U.S. Patent Application No.: 09/216,206
Title: OPTIMIZED INTERNET ADVERTISING USING HISTORY TO
SELECT SITES
Filed: December 18, 1998
Inventor: Heidi Kay, et al.
Our Reference: B2745.0025/P0025

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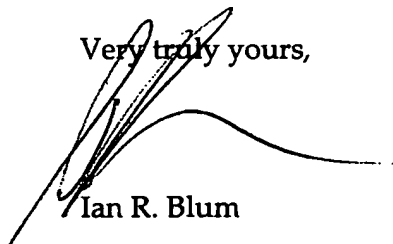
Dear Mr. Salisbury:

GROUP 3600

The current owner of the above-captioned patent application has filed a continuation with additional claims. To that end, we are required to file an Inventor's Declaration with the United States Patent and Trademark Office. Enclosed herewith is a copy of the application, a set of claims, and a Declaration for your signature. Please return the executed Declaration in the enclosed, pre-paid, self-addressed Federal Express envelope.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Ian R. Blum

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